

TOGUT, SEGAL & SEGAL LLP  
*Counsel to Tronox, Incorporated, et al.*  
One Penn Plaza  
Suite 3335  
New York, New York 10119  
(212) 594-5000  
Neil Berger  
Stephanie A. Skelly

**Adjourned Hearing Date: October 5, 2011**  
**At: 10:00 a.m.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re :  
: Chapter 11  
:   
LEHMAN BROTHERS HOLDINGS INC., *et al.*, : Case No. 08-13555 [JMP]  
:   
: (Jointly Administered)  
Debtors. :  
-----X

**PRELIMINARY RESPONSE OF TRONOX  
INCORPORATED *ET AL.* TO DEBTORS' ONE HUNDRED  
THIRTY-SIXTH OMNIBUS OBJECTION TO CLAIMS (MISCLASSIFIED CLAIMS)**

TO THE HONORABLE JAMES M. PECK,  
UNITED STATES BANKRUPTCY JUDGE:

Tronox Incorporated, *et al.*, ("Tronox") by its attorneys Togut, Segal & Segal LLP (the "Togut Firm"), respectfully submits this preliminary response (the "Response") to the above-captioned Debtors' One Hundred Thirty-Sixth Omnibus Objection to Claims (Misclassified Claims) (the "Claim Objection"). In response to the Claim Objection, Tronox states:

**BACKGROUND**

1. On September 22, 2008, Tronox timely filed a proof of claim (the "Tronox Claim") and asserted a secured claim of not less than \$300,000 against Lehman Commercial Paper Inc.

2. The Tronox Claim was assigned claim number 29768 by the Debtors' claims and noticing agent.

3. On May 16, 2011, the Debtors filed the Claim Objection, which sought to reclassify the Tronox Claim from secured to unsecured status [Dkt. No. 16867].

4. A hearing to consider the Claim Objection was initially scheduled for June 30, 2011 (the "Hearing") and responses to the Claim Objection were due on or before June 16, 2011 (the "Response Deadline").

5. Tronox did not receive the Claim Objection until after the Response Deadline had passed.

6. Upon receipt of the Claim Objection, Tronox immediately contacted Debtors' counsel and requested that the Hearing be adjourned; Debtors' counsel granted the request.

7. On July 11, 2011, this Court entered an Order adjourning the Hearing to consider the Claim Objection as it pertained to the Tronox Claim to September 28, 2011 [Dkt. No. 18401]. The Togut Firm has been advised that the Court further adjourned the Hearing to October 5, 2011 (the "Adjourned Hearing").

8. On numerous occasions, Tronox has requested a formal extension of the Response Deadline concerning the Claim Objection as it pertains to the Tronox Claim, but has not received such an extension.

#### **STATEMENT**

9. Tronox requires further information from the Debtors before it can adequately respond to the Claim Objection.

10. Tronox opposes the relief sought in the Claim Objection. While Tronox intends to work with Debtors' counsel in the hope that the parties can resolve

the Claim Objection consensually, Tronox wishes to preserve its rights to formally respond to the Claim Objection, if necessary, prior to the Adjourned Hearing.

**CONCLUSION**

11. For the reasons stated above, Tronox respectfully requests that the Court decline to consider the Claim Objection at the Adjourned Hearing as it pertains to the Tronox Claim unless Tronox has been given an opportunity to formally respond.

Dated: New York, New York  
August 18, 2011

TRONOX INCORPORATED *ET AL.*,  
By its attorneys,  
TOGUT, SEGAL & SEGAL LLP  
By:

/s/ Neil Berger  
NEIL BERGER  
A Member of the Firm  
One Penn Plaza - Suite 3335  
New York, New York 10119  
(212) 594-5000